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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Philip T. Kortum

Appln. No.: 09/847,045

Filed: May 1, 2001

For: Unified Digital Subscriber Line Self-
Installation Process and Kit

Examiner: Igor N. Borissov

Art Unit: 3628

Conf. No.: 5221

Attorney Docket No: 8285/431

Mail Stop Appeal Brief - Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal Cover Letter (1p. Filed in Dup); Reply Brief (4pp.); and
☒ Return Receipt Postcard.

Fee calculation:

- ☒ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 CFR § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 CFR § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			X105=			x \$210=	
First Presentation of Multiple Dep. Claim					+\$185=			+ \$370=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925. A copy of this Transmittal is enclosed for this purpose.

Respectfully submitted,

Vincent J. Gnoffo (Reg. No. 44774)January 3, 2008
Date



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PATENT
CASE NO. 8285/431

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Philip T. Kortum)	
)	Examiner: Igor N. Borissov
Serial No. 09/847,045)	
)	Group Art Unit No. 3628
Filing Date: May 1, 2001)	
)	
For Unified Digital Subscriber Line Self-)	
Installation Process and Kit)	

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

Appellant submits this Reply Brief in response to the Examiner's Answer mailed November 27, 2007. This Reply Brief is filed prior to the end of the two month time window provided under 37 CFR 41.41 and MPEP 1208.

Reply to Examiner's Answer

The Appellant maintains, further to the Second Appeal Brief filed September 27, 2007, that the claims are patentable over the asserted combination of "SBC global network DSL: Customer Self Install" (SBC Document) and "Using Your Gateway PC" (Hereinafter Guide). The Second Appeal Brief was filed based on the non-final Office Action mailed July 7, 2007, which was sent in response to Appellant's first Appeal Brief mailed February 15, 2007. The July 7, 2007 non-final Office Action cited the new Guide reference which had deficiencies like the reference it replaced.

Claim 1

The Examiner's Answer is correct that the SBC Document does not describe at most one instruction manual for the installation process of the digital subscriber lines. The SBC Document also does not disclose or suggest that the at most one instruction manual provides instructions to install all of the digital subscriber line modem, the at least one digital line filter, and the computer readable connection software.

The Guide fails to fill the gaps. Claim 1 recites a feature missing from both the SBC Document and the Guide, e.g., a digital subscriber line self-installation kit with "at most one instruction manual which describes a unified installation process which provides instructions to install all of the digital subscriber line modem, the at least one digital subscriber line filter, and the computer readable connection software code". Conversely, the Guide is for a Gateway personal computer. While the Guide includes information for connecting a keyboard, mouse, speakers, microphone, CD player, joystick, monitor, printer, radio, TV antenna, power cord and phone line to the computer, it does not disclose instructions for connecting a digital subscriber line modem, a digital subscriber line filter and/or a computer readable connection software code. Indeed, no digital subscriber line modem or digital subscriber line filter are disclosed, and the extent of reference to a modem is that one must be installed in the system and properly connected to access the Internet. If a modem was ordered with the computer, it was preinstalled. See pg. 89. Therefore, neither reference, alone or in combination, disclose or suggest "at most one instruction manual which describes a unified installation process which provides instructions to install all of the digital subscriber line

modem, the at least one digital subscriber line filter, and the computer readable connection software code". Since neither reference discloses or suggests the feature, logic requires that the combination of references also fails to disclose or suggest the feature.

For at least these reasons, Appellant respectfully requests that the rejections to claim 1 be withdrawn and the claims be considered allowable. Claims 2-7 depend from claim 1, and are submitted to be allowable for these same reasons.

Claim 8

Pending independent claim 8 recites a digital subscriber line self-installation kit with "at most one instruction manual which describes a unified installation process which provides instructions to install all of the network card, the digital subscriber line modem, the at least one digital subscriber line filter, and the computer readable connection software code". For at least the reasons discussed above with regard to claim 1, Appellant respectfully requests that this rejection also be withdrawn. Claims 9-15 depend from claim 8, and are submitted to be allowable for these same reasons.

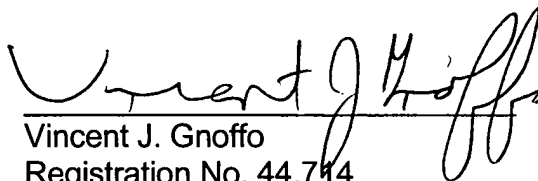
Claim 16

Pending independent claim 16 recites a digital subscriber line self-installation kit with "at most one instruction manual which describes a unified installation process which provides instructions to install all of the network card, the digital subscriber line modem, the at least one digital subscriber line filter, the computer readable connection software code and the computer readable internet service provider specific software code". For at least the reasons discussed above with regard to claim 1, Appellant respectfully requests that this rejection also be withdrawn. Claims 18-20 depend from claim 16, and are submitted to be allowable for at least these same reasons.

Concluding Remarks

Appellant requests that the Patent Office forward this application to the Board for decision on the appeal upon consideration of the Appeal Brief and Examiner's Answer.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vincent J. Gnoffo", written over a horizontal line.

Vincent J. Gnoffo
Registration No. 44,714
Attorney for Appellant

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